

# NOTES

5/14/02

BOWL

CALL FROM

← JON BROWER @ KITSAP C.O. HEALTH DEPT

STEVE

WANTS TO NAME NAVY AS R/P

ALEXANDER

↳ KEW SAID IT WAS OK? STEVE WILL SEND ME SOME EMAIL TRAFFIC

← LINK @ JON'S INFO; CAN NAVY BE R/P? NEED TO HELP STEVE

4/15/02

9255 CREEK / BOUND

CALL W/ STEVE ALEXANDER

→ IS COUNTY A PUP?

- NO; RCW 70.1050 020(12)(a)(i)

→ NAVY?

- PROB NOT; NOT JUNIOR OPERATOR

→ WIDOW?

- ESTATE?

- MAYBE SO; LIABILITY PASSES THRU, BUT ANY ASSETS?

Ⓝ

→ PURCHASER FROM THE COUNTY

- INNOCENT PURCHASER?

→ WHAT ARE OPTIONS?

- VCP?

- NEW PURCHASER?

- EPO?

10/3 Guest/Bramerton Landfill Site

MTG w/ Peter

Brooks

PRE-MTG → ISSUES

① CLEANUP LEVEL; INDUST. VS RESID.

- IS OUR POSITION WELL-JUSTIFIED? → MY COMMENTS FIT HERE
- EVALUATION OF NAVY'S POSITION

② Vol. VS. FORMAL PUP ROUTE

- NAVY WILL FIGHT PUP STATUS; SOU IMMUN. ISSUE
- IF THIS IS WHAT WE NEED TO DO, OK, BUT SOME RISK
- NAME OTHER PUPS, THEY CAN SUE NAVY

↓  
OTHER THAN  
OWNERS?

↳ NAVY WILL STILL SAY NO MATTER OF  
SE

- MARY GUSAR

9/21 GROST-BREM LF

VIA: FM  
PETER

-NAY ADMIRANT THEY WANT INDIUST STDS FOR CLEANUP OR THEY WANT  
DO THIS VCP

→ WE CAN'T DO THAT! HUGE CONSISTENCY PROBLEM

-HE'S PREPARING RESPONSE & I AM TO RW

→ WE'LL HAVE TO NAME TEAM AS PUP IF THIS CAN'T BE RESOLVED

9/22 → MSG BACK TO PETER

8/22

BREMERTON TOUR.

→ LET VM FOR NANCY GLAZER @ 1045.

8/18

BREMERSON

MEETING W/ PETER  
BROOKS

- NAMED OTHER PLP & THEY COULD SUE NAVY UNLESS OFFER PROTECT

NAVY POSITION

- DES MOIS (CONF. ST MEMO OF AGMT) IS WHERE \$ IS CURRENTLY  
COMING FROM (CORP GIVES ECV ABOUT \$) TO DO ADMIN OVERSIGHT

- PETER: THEY WANT A SUG, GET IT RANDED OR NOT & PURSUE AS  
APPROPRIATE

- THEY DID SUG (S) INDUSTRIAL SITES & THAT WAS NOT LOW  
ENOUGH THRESHOLDS.

LARRY TUCKER

- WHY DO THEY WANT WILST SITES

- B/C LANDFILL SHOULD BE INDUSTRIAL + AUTOWRECKING

- ZONED COMMERCIAL, NOT INDUSTRIAL

- PETER JUST TOLD THEM TO CAP & MONITOR. ONLY 4 ACRES,  
DON'T HAVE TO DO ANOTHER SUG.

EFG - NW COUNSEL

JEFF DANSON MAIN OFF.

360-396-0066

- NOW DO THEY GO ABOUT GETTING OTHERS (PLPs) INVOLVED?

- US TO NAME PLPs

- THEM TO INDUCE JUSTICE

NANCY GLENN

360-396-0036

2

- NOTE: THIS MAY BE A PROTOTYPE B/C THERE IS A LOT OF SUCH  
SMALL, PRIVATE LANDFILLS ALL OVER THE KITASAP

- VCP IS OK W/ PETER

8/13

ME w/ PFER

BOOKS, GJK

OWNER (EQUIV)

- NO #, BUT NOW BEING DIFFICULT TO NAVY RE INFORMATION
  - SO CONSOLE CO TO THEM?
  - NEEDED FOR ACCESS & SOME INFO
- 

NAVY WIC

- RECALL NAVY CITY
- SEE IF WE CAN WORK SOMETHING OVER PAPER
- WHAT NAVY WANTS TO DO?
- OUR PREF. (BUT PFER WILL GO EITHER WAY)
- VCP/NFA, THEY GET W/ DJS TO SEE OTHER RPS
- IF THEY WANT US TO NAME RPS, WE HAVE TO GO FORMAL OVERTSIGHT, RI/FS, ORDER OR CO TO IMPLEMENT FINAL CLEANUP, ETC. LEAVE RESOURCE TIME FOR ALL AGENCIES TO GO VCP.

SOU IMM ISSUE?

- OK, SO IF WE CAN'T NAME YOU AS RFP, WE CAN NAME OTHERS WHO WILL SEE YOU, BACK TO SQUARE 1.
- 

MAIC

- DEFINITION OF OWNER OR OPERATOR
- LOOK @ FAC (SEE LOW); LOOK @ MAIC
- STEEL: MAKING RR SITE

8/16/00 BREMERTON SITE

CALL FM

PETER BROOKS  
407 7240

- NANCY GLAZIER, NANCY ATTY WANTS TO TALK
- PETER PJ SLD MEET FIRST
- I NEED TO CALL NIM BOOK

- 
- LANDFILL (S) SE 3, 3-4 MILES FROM SINCLAIR INLET
  - CAME UP B/C OF FLOODING 2 YRS AGO
  - BREMERTON AUTO WRECKING IS NEAR TO LANDFILL
  - OLD WOOD OWNS IT W/ NO \$, SO NANCY WANTS TO GO AFTER OTHERS

- NANCY DID SITE HAZ. ASS (S) INDUSTRIAL STDS; PETER DID NOT AGREE W/ THOSE STDS & YOU CAN'T REALLY TELL (S) THOSE LEVELS

THEY ONLY HAVE LIABILITY UNDER CERCLA (PLP) (WE CLEAN IT & SUE THEM) CAN WE NAME THEM UNDER MTCA?

- TENAYA CASE

- WALKER (OF S.F.) IS MEANT TO INCLUDE ALL ACTIONS AGAINST US FOR HAZARDOUS WHICH OCCUR AT ANY TIME US OWNS OR OPERATES.

CERCLA OWNER/OP

§ 101 (D) (A-D) → LOOK AT SOV. IMMUNITY

- IS THIS; WAS NOT "OOR O?"

25 September 1998

Bremerton Auto Wrecking LF

concerns Navy: \$, liability  
Ecology: minimize staff time.

site abandoned LF  
owned by elderly widow, Lucille Ewing.  
6-7 acres, 80' deep (ravine)  
created late 60s (maybe in hopes  
of winning Navy K)  
got K 68-69 putrescible and  
industrial waste  
also took demolition waste  
operated through 1980 by original  
owners, sold 1980 to Ewing,  
which continued to permit through  
1989

no closure account established  
culvert at bottom of ravine for drainage;  
ultimately drains to Hood Canal  
Ewings have no \$  
- insurance?

fix: cap, and address flow of water  
through ravine

Navy sent waste to LF for only one or 2  
years (but large volumes -  
probably 50-60% of total volume)

apportionment fed policy: cannot pay more than  
share of liability  
- but can cover orphan share  
- not actual policy; legal interpretation  
PRP search found one former owner

goals

Navy wants Ecology involvement through remedial process so it has some reasonable certainty that fix will be accepted, NFA can be written. admits it has CERCLA liability, and that state can clean up and cost recover from it

- so, willing to cooperate

want Ecology to use its authority to get financial information from King (other identified PLP)

- why? either to convince Ecology to pursue King, or to persuade DOT that it is worthwhile to sue him for contribution.

options

could send PLP letters to Navy and King, suggest that they work cooperatively under VCP

also want Ecology to request financial information from King then proceed independently (no orders expected)

want study plan / info to complete ranking, provide info for PLP letters  
↳ to determine threat to HHE

Navy wants to avoid long term M+O or responsibility for institutional controls

- discuss later.